

**MINUTES
MEETING OF THE TOWN BOARD
OF THE TOWN OF SARATOGA, 12 SPRING ST.,
SCHUYLERVILLE, NY**

**July 9, 2012
7:00 P.M.**

Supervisor Thomas Wood opened the meeting with the Pledge of Allegiance at 7:00 p.m.

Roll call: Ruth Drumm, Town Clerk, called the roll. Supervisor Thomas Wood- present, Councilman Fred Drumm - present, Councilman Charles Hanehan- present, Councilman Michael McLoughlin – present, Councilman James Jennings – present

Also present: Deputy Town Clerk Linda McCabe, Highway Superintendent Don Ormsby Jr., Town Attorney Bill Reynolds, Zoning Officer Gil Albert, Planning Board Chairman Ian Murray and many interested residents. (Sign in sheet is on file.)

Recognitions/Presentations/ Bid openings/ Public Hearings:

Public Hearing- Code Violations -Kenneth Yager- property at 124 County Road 67: Supervisor Thomas Wood explained that the burned out house is a safety hazard. Zoning Officer Gil Albert stated that the house burned years ago and it is beyond repair, deteriorating further and in danger of collapsing. There have been several complaints. Zoning Officer Gil Albert presented pictures of the structure to the board (The pictures will be filed in the Minutes Appendix). Town Attorney Bill Reynolds stated that the owners were served with notice of the public hearing.

Supervisor Thomas Wood asked if Kenneth Yager was present. He was not. Supervisor Thomas Wood opened the public hearing at 7:02 p.m. No one spoke. A motion to close the public hearing at 7:03 p.m. was made by Supervisor Thomas Wood and seconded by Councilman Charles Hanehan. The motion was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye.
Carried 5 – 0

Public Hearing – Code Violations - John & Linda Darrah- property at 106 Casey Road: Supervisor Thomas Wood explained that the mobile home has been in disrepair for years and is posing a safety hazard. Zoning Officer Gil Albert stated that the mobile home is rotting and beyond repair. It is a safety hazard. Zoning Officer Gil Albert reported that he has had many complaints regarding the disrepair. Zoning Officer Gil Albert presented pictures of the structure to the board (The pictures will be filed in the Minutes Appendix). Town Attorney Bill Reynolds stated that the owners were served with notice of the public hearing.

Supervisor Thomas Wood asked if John and Linda Darrah were present. They were not. Supervisor Thomas Wood opened the public hearing at 7:05 p.m. No one spoke.

A motion to close the public hearing at 7:06 p.m. was made by Supervisor Thomas Wood and seconded by Councilman Fred Drumm. The motion was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 5 – 0

Approval of Minutes: A motion was made by Councilman Charles Hanehan and seconded by Councilman Michael McLoughlin to accept the minutes of the June 11th regular meeting as written. Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 5 – 0.

Town Clerk's report for June 2012: Fees paid to the NYS Dept. of Agriculture and Markets for the Animal Population Control Program \$57.00. Fees paid to New York D.E.C. for hunting and fishing licenses \$257.01. Fees paid to the New York State Health Department for Marriage licenses \$67.50. Dog license fees to Supervisor Thomas Wood \$263.00. Clerk fees to Supervisor Thomas Wood \$171.49. Total State, County, and Local Revenues received were \$816.00.

Zoning Officer's report for June 2012: 7 Building Permits, 9 Building Inspections, 2 Certificates of Occupancy, 0 Junk Yard Permits, 0 Complaints, 0 Fire inspections, 0 Orders to Remedy, 2 misc. appointments, 2 Building Permit Renewals, and 0 Property Maintenance Inspections. A check for \$987.50 was given to Supervisor Thomas Wood.

Dog Control Officer's report for June 2012: The report was read by Supervisor Thomas Wood: answered 25 complaints, took 1 dog to the shelter, 0 bite cases, issued 17 warnings, 4 summonses were issued, and traveled 117 miles.

Town Court report for June 2012: The following were closed: 74 Vehicle & Traffic, 14 Criminal/Penal Law, 6 DEC/ENCON, 1 Dog case, 4 DWIs, 0 Town & Village Ordinances, 0 Small Claim/Civil, 2 Evictions, 0 Bench trials, 1 (case transfer) Divestiture Forms sent to County Court, 0 attended the Science of Speed School, 1 Defendant sentenced to probation, 30 hours of community service issued, 0 days of jail time issued, 3 Orders of Protection issued, and \$8,200.00 in fees were paid to the NY State Comptroller.

Historian's report: No report.

Assessor's report: No report. Supervisor Thomas Wood noted that the Equalization Rate is at 100% per NYS and the final tax roll is on the town's website, townofsaratoga.com.

Highway Superintendent's report for June:

- ❖ The fibermat at the north end of Hayes Road is complete.
- ❖ Culvert replacement and preparation on Hayes Road is done from Burgoyne Road to Route 32 in preparation for paver placed surface treatment that is scheduled for Wednesday, July 18th on Hayes Road.
- ❖ Cemetery Road to the town line is also ready for topping.
- ❖ The towpath has been mowed back for the Village of Schuylerville.

- ❖ Equipment maintenance is still ongoing.
- ❖ We've started partial road sign replacements to meet state standards.
- ❖ Burke Road has been paved and we are now waiting on the shoulder machine.

Supervisor's report: SUPERVISOR'S REPORT JUNE 2012

GENERAL FUND – TOWNWIDE (A FUND)

Balance on hand JUNE 1	\$ 1,140,341.33
JUNE Revenues	+ 20,082.49
JUNE Disbursements	<u>- 45,520.91</u>
Balance June 30	\$ 1,114,902.91

GENERAL FUND – OUTSIDE VILLAGE (B FUND)

Balance on hand JUNE 1	\$ 608,108.91
JUNE Revenues	+ 3,055.87
JUNE Disbursements	<u>- 3,845.45</u>
Balance JUNE 30	\$ 607,319.33

HIGHWAY FUND – OUTSIDE VILLAGE (DB FUND)

Balance on hand JUNE 1	\$1,219,672.09
JUNE Revenues	+ 90,842.24
JUNE Disbursements	<u>- 45,888.11</u>
Balance June 30	\$1,264,626.22

SCHUYLER PARK CAPITAL PROJECT JUNE 30	\$135,989.37
YOUTH RECREATION & SERVICE JUNE 30	\$ 1,670.83
HIGHWAY EQUIPMENT RESERVE JUNE 30	\$ 12,855.22
BUILDING RESERVE JUNE 30	\$ 100,789.33
SCENIC BY WAYS GRANT JUNE 30	\$ 310.41
PARK RESERVE JUNE 30	\$ 51,956.55
CDBG2 FUND JUNE 30	\$ 0.00

- ❖ **Sales Tax Received – June 2012 - \$90,644**
- ❖ **Mortgage Tax – May - \$13,316.89, June - \$10,009.50**

Public comments on agenda items: No one spoke.

Committee reports:

Landfill: No report.

Insurance: Supervisor Thomas Wood is working with Adirondack Trust on the renewal of the town's General Liability Insurance up for renewal in August.

Youth: Supervisor Thomas Wood reported that 37 students have signed up for the swim program being held at the Christ the King Spiritual Life Center on Burton Road, Town of Easton. The program runs from July 2nd through August 3rd.

Senior Citizens: No report.

Park Committee: No report.

Office of Emergency Management: Sherry Doubleday submitted the following: September is National Preparedness Month. Ways that they will promote themselves to the public are sitting at the bank on a Friday, giving out pens and brochures stating who we are, what we do, when we act, where we meet, and where the shelters are located. She added that they are always in need of members.

Committee to Honor Volunteer Firefighters & Emergency Medical Service Workers: Sherry Doubleday submitted the following regarding the Volunteer Recognition Park: The firefighter statue has been ordered. The bricks will be ordered this week from Saratoga Masonry. Flags will be ordered this week. Councilman James Jennings will be notified when the date for the placement of the bricks is known. He will make the base for the portion of steel from the Twin Towers. The next meeting is Wednesday, July 11th.

GSES, QSFD, SLPID/SLA Reports:

General Schuyler Emergency Squad: Chris Benn reported there were 51 calls for the month of June: Town of Saratoga- 18, Town of Northumberland – 6, Village of Schuylerville – 18, Village of Victory – 3, Mutual Aid Wilton – 1, ALS Assist Easton/Greenwich – 1, ALS Assist Stillwater- 1, and 2 misc. calls. He noted that they are looking into forming a Junior Squad, with the help of Dean Stine, to try to involve the youth of the community in public service, planting the seeds of interest in EMS or any type of emergency service.

Quaker Springs Fire Department: Chief Donald Ormsby Jr. reported that they have had 48 calls year-to-date.

SLPID/SLA (Saratoga Lake Association): No report.

Saratoga County Farm Bureau (SCFB): No report.

Old business:

Old Highway Garage Demolition Update – Supervisor Thomas Wood reported that over the course of 13 days of asbestos removal work on the old highway garage the daily reports regarding testing at the site have passed all tests with no problems. The project has now stopped because ERSI found material in the joints between the concrete blocks that was given to Alpine Environmental to test and it was found to contain asbestos. This was not uncovered when the asbestos finding study of the garage was done in 2008.

There will be a meeting on Wednesday with Alpine Environmental, Supervisor Thomas Wood and Town Attorney Bill Reynolds.

New business:

On a motion by Councilman Charles Hanehan and seconded by Councilman Michael McLoughlin the following **Resolution #12-76 – Yager Property – Demolition & Removal** was adopted by roll call vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 5 – 0

WHEREAS, the Town Code Enforcement Officer, Gil Albert, has submitted an opinion to the Town Board concerning the structure on property located at 124 County Rt. 67 in the Town of Saratoga owned by Kenneth A. Yager, and

WHEREAS, said opinion is that the aforesaid structure is dangerous and unsafe to the public within the meaning of Chapter 182 of the Town Code, unless such structure is immediately demolished and removed, it is now therefore

RESOLVED, that the Code Enforcement Officer, with the advice and consent of the Town Board, be authorized to immediately demolish and remove the structure located on property at 124 County Rt. 67, in order to remove the safety hazard which exists thereon, and it is further

RESOLVED, that the cost of contracting such work, together with any legal expenses associated with this enforcement action, be charged against the premises and be levied and collected as an additional Town property tax.

On a motion by Councilman Fred Drumm and seconded by Councilman Charles Hanehan the following **Resolution #12-77 – Darrah Property – Demolition & Removal** was adopted by roll call vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 5 – 0

WHEREAS, the Town Code Enforcement Officer, Gil Albert, has submitted an opinion to the Town Board concerning the structure on property located at 106 Casey Road in the Town of Saratoga owned by John and Linda Darrah, and

WHEREAS, said opinion is that the aforesaid structure is dangerous and unsafe to the public within the meaning of Chapter 182 of the Town Code, unless such structure is immediately demolished and removed, it is now therefore

RESOLVED, that the Code Enforcement Officer, with the advice and consent of the Town Board, be authorized to immediately demolish and remove the structure located on property at 106 Casey Road, in order to remove the safety hazard which exists thereon, and it is further

RESOLVED, that the cost of contracting such work, together with any legal expenses associated with this enforcement action, be charged against the premises and be levied and collected as an additional Town property tax.

On a motion by Councilman Fred Drumm and seconded by Councilman James Jennings the following **Resolution #12-78 – DeGarmo Lease** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye. Carried 5 – 0

WHEREAS, the Town has excess space in the Town Hall at 12 Spring Street, Schuylerville, NY which is unneeded for Town purposes, and which has been leased previously; and

WHEREAS, the Town Board desires to lease such excess space for fair and adequate consideration; it is hereby

RESOLVED, that approximately 110 square feet of space in the north wing, second floor of the Town Hall, Suite 203, Room 2W, be leased to Michelle DeGarmo on a month to month basis for a monthly rental amount of \$115.00 and other terms to be as set forth under a form of lease agreement presently in use for other business tenants in the Town Hall; and it is further

RESOLVED, that the Town Supervisor is authorized to enter into a lease agreement to carry out this resolution, subject to approval of the Town Attorney as to form.

Supervisor Thomas Wood read the **Resignation Letter from David Clark, Chairman of the Board of Assessment Review**. It was accepted with regret.

Communications:

- ❖ **Turning Point Parade – Sunday, August 5, 2012, 1:00 p.m.**
- ❖ **City of Saratoga Springs notification of proposed Zoning Ordinance updates which can be viewed on the City's website www.saratoga-springs.org . The ordinances will be reviewed at the City's Council Meetings on July 3 and 17, 2012.**

Privilege of the floor:

Wendy Lukas addressed the board asking if bricks for the Volunteer Recognition Park can still be purchased. Supervisor Thomas Wood responded yes, applications are available at the town clerk's office.

She also asked if asbestos could be present in the old town hall building. Supervisor Thomas Wood and Zoning Officer Gil Albert felt it was unlikely since it is a relatively new building that was built in 1974 and has had a new roof within the last ten years. He added that it has never been tested so they cannot give a definite answer. She commented on the old town hall building being donated by the Historic Saratoga/Washington on the Hudson to the Village of Schuylerville and the high cost of the moving and set up of the building at Ft. Hardy. A grant is being applied for to cover the cost. The renovation of the building would also be costly.

Supervisor Thomas Wood reported that all the paperwork with the State of NY has been signed for the \$35,000 grant to be used for the surveying, environmental and archeological assessment of the old town hall site. The state has not processed this paperwork yet, hopefully before the summer ends, but when it does and the studies are completed the sale of the old town hall will follow soon afterward.

Martin Mittelmark stated that he owns property behind the mill and there is one smaller brick structure on the mill property that is a safety hazard and needs to be demolished. One half of the structure has fallen down. He noted that the Village of Victory has failed to take action to force the owner to remove the hazard. He wondered if the town could condemn it and demolish and remove it and add the cost to the tax bill. He added that the owner, Uri Kaufman, has failed to meet his social and moral responsibilities to the

community. He asked the board not to go forward with the tax break until this hazard is eliminated.

Art Thivierge stated he has lived in Victory for 72 years. He urged the board to pass the tax break for the mill since it will be a great asset to the whole town.

Pat Dewey inquired why the mill was not on the agenda. Supervisor Thomas Wood responded that it was tabled for more information at the April board meeting. Supervisor Thomas Wood added answers have not been given to the list supplied to Uri Kaufman. Supervisor Thomas Wood added that the County Planning Board did not do a formal review of the project, only a Memorandum of Understanding due to pressure from the Victory Planning Board Chairman. Pat Dewey stated that names of local firms to do the Cost of Community Services study will be provided in the next few days.

Ian Murray stated that the study needs to be done to identify the fiscal impacts of the project on the community.

Dennis Hogan stated that the \$17,000 quoted from a Massachusetts firm for the Cost of Community Services Study should have been much less. The study should cost less if done locally. Supervisor Thomas Wood stated that the board would be open to a study from another professional firm. Dennis Hogan will resubmit the names of 3 local firms for Uri Kaufman to get quotes for the study.

Pat Pierce stated that with the changes made to the project it would have to go back to Victory's Planning Board for another approval.

Greg Bielkiewicz stated he can't understand why not give a tax break? The project transforms the old building.

Wendy Lukas stated that the 3 notebooks of information and studies that were provided to the town board contain studies from the 1980's and is not up to date information.

Martin Mittelmark stated that the deteriorating brick building is a safety issue. It is an excuse that we'll get to it when someone else will pay for it. He added that for a \$20,000,000 project, \$17,000 is a small cost for a study, less than 7/8 of 1%. Uri Kaufman does not have a responsible attitude regarding the community that his project effects.

Tim Healy stated that the time is now and the board needs to act on the tax break.

Pete Healy stated that he has spoken to an attorney while at a training class in Ft. Edward that is familiar with the Riverview Group and that he said it is an excellent project and that they have a great proven track record in Elmira, Amsterdam, Troy and in south of Albany.

Ralph Pascucci spoke on the issue of the cost of the study. Since the developer is asking the town to waive taxes or essentially to spend money by way of taxes, he should have a study done and it would be appropriate for him to choose the firm as long as it is acceptable to the board and he pays the full shot for the study.

Councilman James Jennings stated that the board needs to resolve the issue and vote as it has dragged on long enough. We need to work together and get it done.

Councilman Charles Hanehan stated that he still hasn't made up his mind and answers to questions need to be gotten and then if it makes sense for the community, he would be in favor of it. It is not unreasonable considering the magnitude of the project that we go further and address the concerns that have been brought up.

Dennis Hogan stated that he will resend a list of names of firms for the study to the board.

Thomas Drew asked what date was on the County Planning Board's response to the application and Supervisor Thomas Wood answered May 12, 2010.

Councilman Michael McLoughlin stated that he has been in favor of the project but it needs review. He stated he would like to see if the project goes forward that it should be reviewed and that a certain percentage of the materials and workers be supplied by local businesses within Saratoga County.

Councilman Charles Hanehan asked for Zoning Officer Gil Albert's opinion on the condition of the smaller brick building that is deteriorating. Zoning Officer Gil Albert responded that the building is condemnable and should be demolished and removed by Uri Kaufman. It is in Victory's jurisdiction. Councilman Charles Hanehan stated that it should not be tied to the project and the building should be removed by the responsible owner. Zoning Officer Gil Albert stated that the main building needs to be boarded up so that kids don't have access and that is in New York State's property maintenance law. He added that he also feels that it should not be tied to the project.

Upcoming meetings:

- ❖ **Agenda meeting – Thursday, August 9, 2012 at 7:00 p.m.**
- ❖ **Regular town board meeting – Monday, August 13, 2012 at 7:00 p.m.**

Audit the Bills: On a motion by Councilman Fred Drumm and seconded by Councilman Charles Hanehan the following **Resolution #12-79 Approving the payment of bills in Abstract 7G** was adopted by vote: Supervisor Thomas Wood - aye, Councilman Fred Drumm – aye, Councilman Charles Hanehan – aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye Carried 5 – 0.

RESOLVED, by the Town Board of the Town of Saratoga to authorize payment of the bills listed in Abstract 7G (07/9/2012) in the following amounts:

General Fund A	Voucher No. 204 through 237	\$ 11,787.11
General Fund B	Voucher No. 38 through 45	\$ 2,533.59
Highway DB	Voucher No. 114 through 130	\$89,543.40
Schuyler Park H	Voucher No. 10 through 11	\$ 628.92
Youth Y	Voucher No. 1	<u>\$ 300.00</u>
	Grand Total	\$104,793.02

A motion to adjourn at 8:59 p.m. was made by Councilman James Jennings and seconded by Councilman Charles Hanehan. Supervisor Thomas Wood – aye,

Councilman Fred Drumm – aye, Councilman Charles Hanehan - aye, Councilman Michael McLoughlin – aye, Councilman James Jennings – aye
Carried 5 – 0.

Respectfully Submitted,

Ruth Drumm, Town Clerk